



DEPARTMENT OF NATURAL RESOURCES

www.dnr.state.mo.us

The Honorable Merrill M. Townley
Missouri House of Representatives
State Capitol, Room 302A
Jefferson City, MO 65101

Dear Representative Townley:

A few weeks ago, you contacted the office of the Missouri Attorney General to obtain information regarding sand and gravel mining enforcement. You asked for a list of all Notices of Violation issued to sand and gravel operations since October 1, 2002, and a breakdown showing the number of such notices that have been referred to the Attorney General's Office for resolution versus the number that are being handled by the Missouri Department of Natural Resources (MDNR). You indicated you would like the information broken down by county.

The Attorney General's legislative liaison, Brett Berri, indicated they do not have this information, but the Missouri Department of Natural Resources, Land Reclamation Program, does and would seek our assistance. He indicated you expect this information in early November.

The information you requested is attached. The table shows there have been fifteen Notices of Violation issued to sand and gravel operations in the last year. Please note these were issued to a total of eight operators. Five had not obtained a permit to mine sand and gravel or to discharge wastewater. The others mined outside their approved permit conditions. Two operators (representing six of the notices) have been referred to the Attorney General's Office for resolution after the department's administrative attempts failed to resolve the violations. A description of each situation is available for your review in the attached table. Also included for your information are photographs of the damages to stream areas noted at these sites.

The Honorable Merrill M. Townley
Page 2

If you have any questions or need more information, please contact me at (573) 751-4732.

Thank you.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

Original signed by Stephen Mahfood

Stephen Mahfood
Director

SM:lcs

Enclosures

c: Mr. Brett Berri, Legislative Liaison, AGO
Mr. Daniel R. Schuette, Deputy Director, ALPD, MDNR

Permittee	County	Enforcement Action Number	Enforcement Received Date	Regulation	Nature of the Violation	Commodity Mined	Termination Issue Date	Staff Assessment Amount	AGO Referral Date
Tri-City Sand & Gravel	Barry	896-001	12/20/2002	444.770	The operator has failed to obtain a Permit for their in-stream sand and gravel site on Big Sugar Creek in Barry County.	Sand, Gravel			7/11/2003
WMK Materials, Inc	Taney	915-001	3/11/2003	444.770	The operator has failed to obtain a Permit To Engage In Surface Mining prior to affecting approximately 56 acres of land (26 acres as Open Pit mining and 30 acres of In-Stream mining) as part of three surface mining operations. The operator has also created a reclamation liability as a result of the mining practices used at the in-stream operations.	Sand, Gravel			7/14/2003
WMK Materials, Inc.	Taney	915-002	3/11/2003	10.050(6)(A)1.	The operator has failed to properly salvage, store, and protect topsoil on approximately 26 acres of land as per the rules and regulations.	Sand, Gravel			7/14/2003
WMK Materials, Inc	Taney	915-003	3/11/2003	444.774.1(2)	The operator has failed to establish erosion and sediment control on areas where damaging erosion and excessive siltation are likely to occur from land affected by surface mining onto adjacent lands.	Sand, Gravel			7/14/2003
WMK Materials, Inc.	Taney	915-004	3/31/2003	444.770	The operator has failed to obtain a Permit To Engage In Surface Mining prior to affecting approximately three acres of land (two acres as Open Pit mining and one acre of In-Stream mining) as part of a surface mining operation. The operator has also created a reclamation liability as a result of the mining practices used at the in-stream operations.	Sand, Gravel			7/14/2003
WMK Materials, Inc.	Taney	915-005	3/31/2003	444.774.1.(2)	The operator has failed to establish erosion and sediment control on areas where damaging erosion and excessive siltation are likely to occur from land affected by surface mining onto adjacent lands.	Sand, Gravel			7/14/2003
Schultz Sand & Gravel	Benton	668-001	4/11/2003	444.770 & 444.772	The operator failed to obtain a Land Reclamation Permit prior to affecting land as part of a surface mining operation. The operator disturbed approximately nine acres that were not permitted. This violation has been resolved.	Sand, Gravel	5/28/2003	\$660	
Schultz Sand & Gravel	Benton	668-002	4/11/2003	444.774.1.(2)	The operator failed to establish erosion and sediment control on areas where damaging erosion and excessive siltation occurred and were likely to occur from land affected by surface mining onto adjacent lands. This violation has been resolved.	Sand, Gravel	7/14/2003	\$1,000	
Schultz Sand & Gravel	Benton	2244	4/15/2003 (Issue Date)		The operator discharged water contaminants into Cole Camp Creek, waters of the state, which reduced the quality of such waters below the water quality standards established by the Missouri Clean Water Commission.	Sand, Gravel	4/15/2003		
Vogler, Jess	Benton	707-001	4/14/2003	444.770 & 444.772	The operator has failed to obtain a Land Reclamation Permit prior to affecting land as part of a surface mining operation. The operator disturbed approximately one acre that was not permitted. The company has recently been offered a settlement regarding this issue.	Sand, Gravel		\$860	
Vogler, Jess	Benton	707-002	4/14/2003	444.774.1.(2)	The operator has failed to establish erosion and sediment control on areas where damaging erosion and excessive siltation are likely to occur from land affected by surface mining onto adjacent lands. The company has recently been offered a settlement regarding this issue.	Sand, Gravel		\$460	
Beaver Creek Aggregate Corp.	Taney	339-002	6/12/2003	444.774.1(10)	The operator has failed to reclaim an open-pit sand and gravel operation (within the floodplain) within the required time frames.	Sand, Gravel		\$710	
Gerald Yeary Partridge Sand and Gravel	Taney	962-001	6/23/2003	444.77	The operator failed to obtain a Permit To Engage In Surface Mining prior to conducting in-stream mining operations. This violation has been resolved.	Sand, Gravel	8/25/2003	\$660	
	Stone				The operator failed to obtain a permit.	Sand, Gravel		\$0	
Colyott Backhoe Service	Wayne	17814 SE	12/10/2002	644.051.2 & 644.076.1	The operator failed to obtain a permit.	Sand, Gravel		\$0	

Descriptions of problems that are shown in the following photos

Widening of creek:

This leads to decreased water velocity, increased sediment levels, bank instability, increase in water temperature, decrease in water oxygen levels, loss of stream aquatic wildlife habitat, and interference with stream wildlife reproductive cycles.

Failure to maintain buffer zones:

This leads to increased bank instability, erosion, and increased sediment levels in the stream.

Lack of erosion or sedimentation controls:

This allows for erosion and sedimentation to occur directly into the stream

Sediment in creek:

This leads to changes in water temperature, decrease of oxygen levels in the water, loss of stream aquatic wildlife habitat, and interference with stream wildlife reproductive cycles.

Channelization:

This alters the slope of the creek thereby increasing water velocity, increasing erosion and sedimentation, down cutting of the creek, bank instability, possible headcutting upstream and increased deposition of sediment downstream as the stream tries to regain the before channelization gradient.

Altered creek paths:

This has the same issues as channelization but typically is not quite as severe.

Mining below the water level:

This creates a vertical wall in the creek floor that may lead to head cutting.

Head cutting:

This is a condition where the creek floor will have a near vertical drop in elevation (usually from a pit being dug below the water level) that will move up stream as it erodes. Up stream, this leads to the creek down-cutting, the collapse of banks and low water crossings due to the loss of support at their bases, and increased sedimentation in the stream. Down stream, the up stream material that erodes is deposited thereby covering aquatic wildlife habitat, increasing the water temperature, changing the oxygen levels in the water, causing loss of stream aquatic wildlife habitat, interfering with stream aquatic wildlife reproductive cycles, and causing bank instability.

Destruction of creek banks:

This leads to loss of property, bank instability, excessive erosion and sedimentation directly into the stream, and destruction of aquatic wildlife habitat.

Loss of topsoil:

This prevents areas from having the topsoil replaced thereby not allowing the land to be productive for future use.

Failure to replace topsoil:

This prevents the land from obtaining a productive post mining land use.

Failure to grade highwalls:

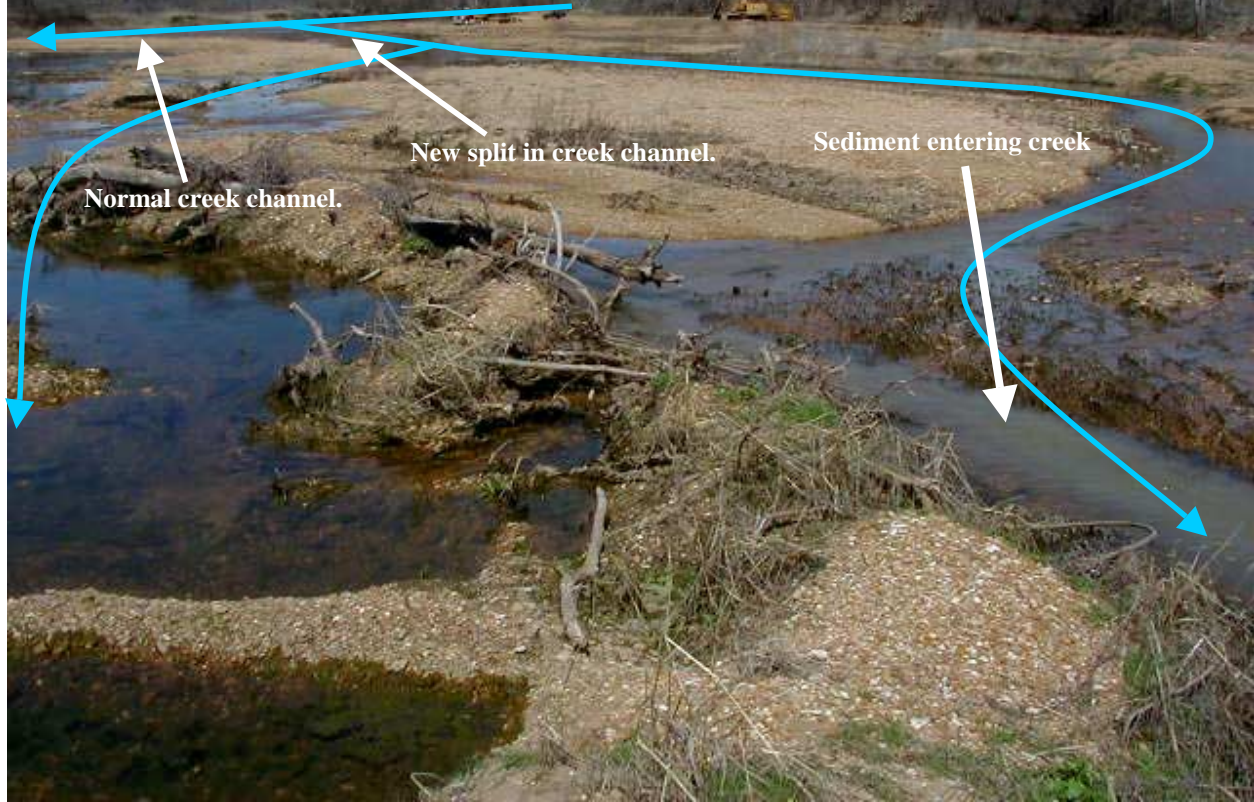
This may pose a safety concern as well as prevent the area from obtaining a productive post mining land use.

Failure to revegetate:

This prevents the land from obtaining a productive post mining land use and leaves the area susceptible to erosion and off site sedimentation.

Schultz Sand & Gravel
NOV 668-001, & 668-002
3-31-03

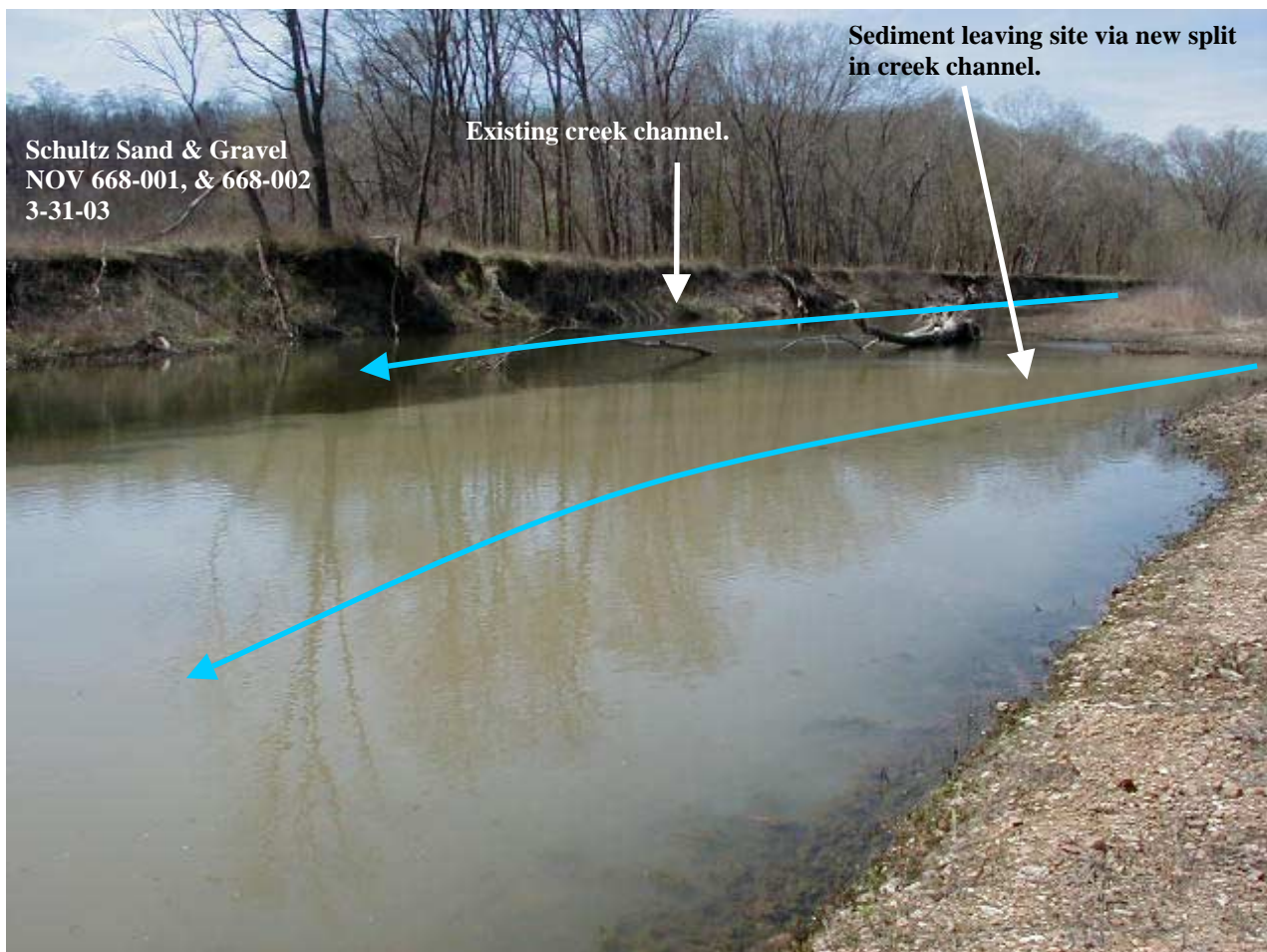
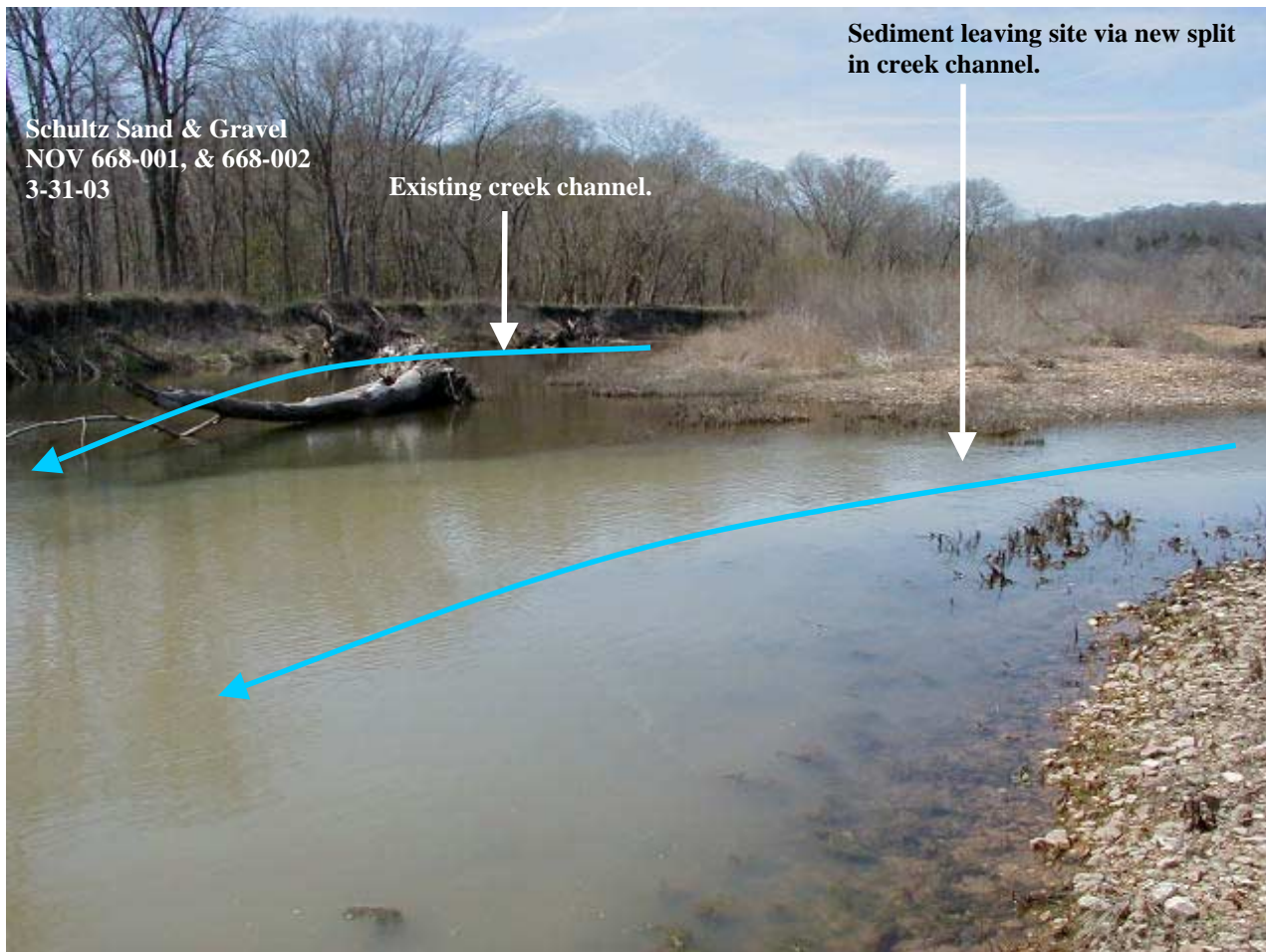
Widening of creek and mining
below water level. Altering
channel flow. No erosion and
sediment control in place.

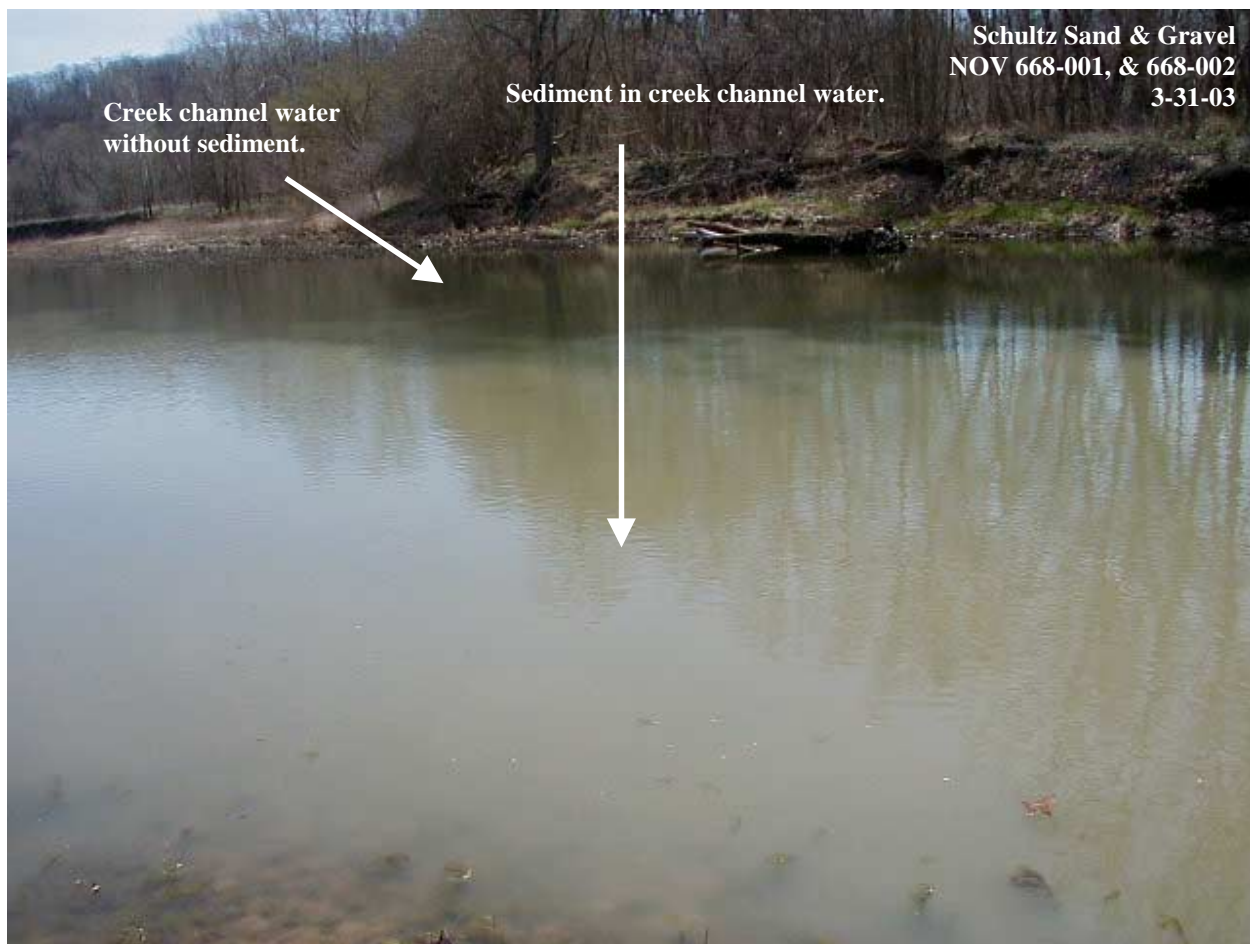


Schultz Sand & Gravel
NOV 668-001, & 668-002
3-31-03

Mining into banks and below water
level, leading to potential erosion and
bank instability. No erosion and
sediment control in place.







**Schultz Sand & Gravel
NOV 668-001, & 668-002
3-31-03**



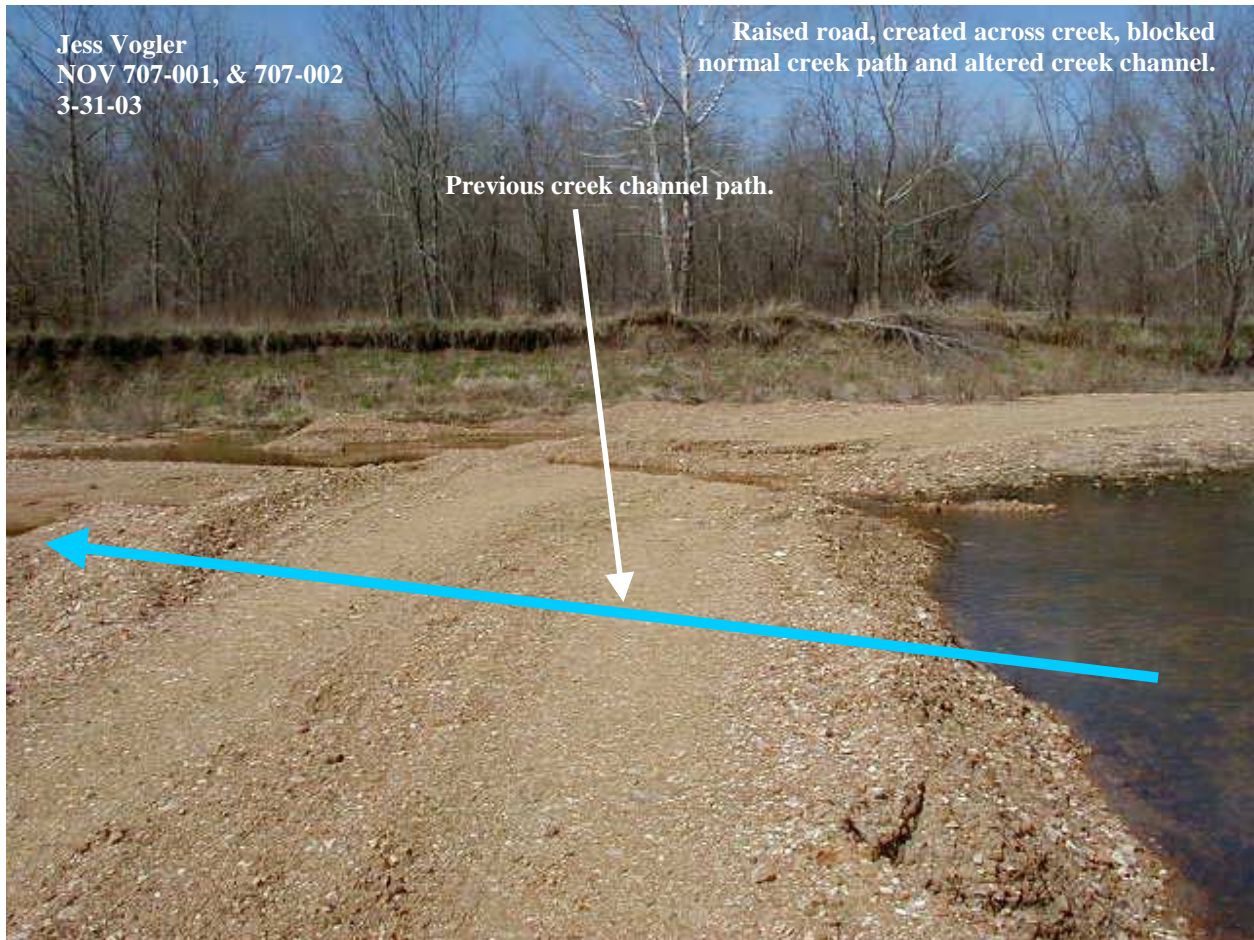
**Jess Vogler
NOV 707-001, & 707-002
3-31-03**



Jess Vogler
NOV 707-001, & 707-002
3-31-03

Raised road, created across creek, blocked
normal creek path and altered creek channel.

Previous creek channel path.



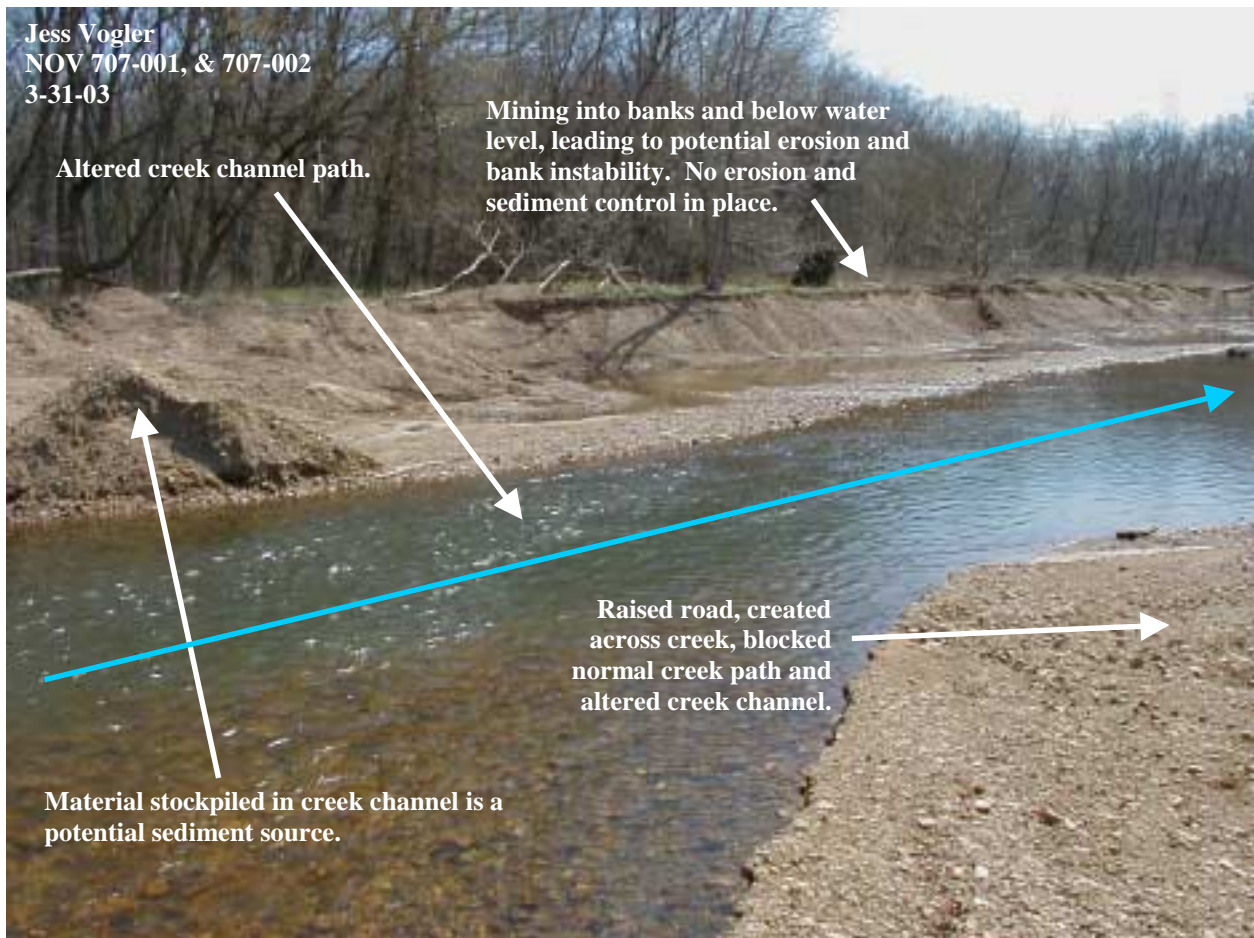
Jess Vogler
NOV 707-001, & 707-002
3-31-03

Mining into banks and below water
level, leading to potential erosion and
bank instability. No erosion and
sediment control in place.

Altered creek channel path.

Raised road, created
across creek, blocked
normal creek path and
altered creek channel.

Material stockpiled in creek channel is a
potential sediment source.



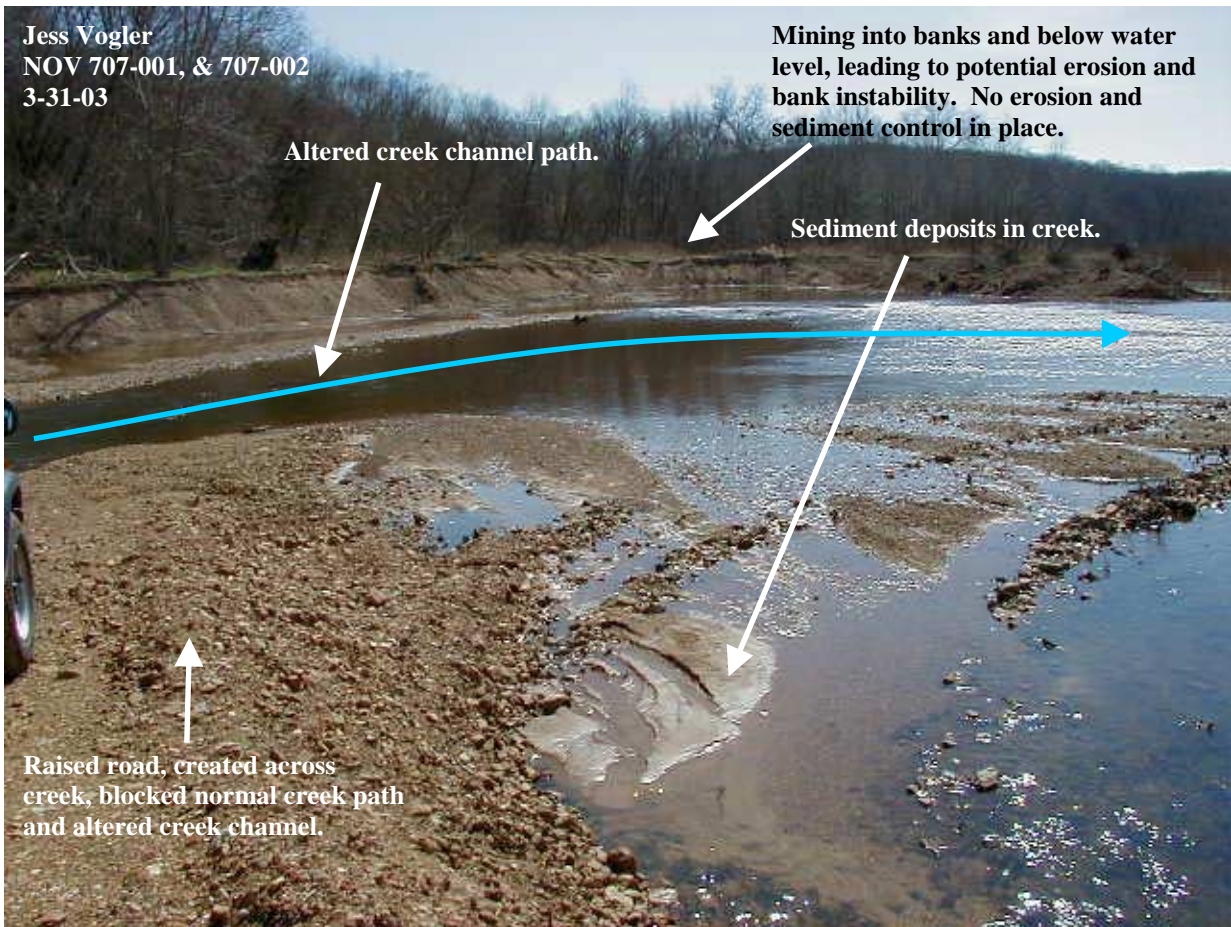
Jess Vogler
NOV 707-001, & 707-002
3-31-03

Mining into banks and below water level, leading to potential erosion and bank instability. No erosion and sediment control in place.

Altered creek channel path.

Sediment deposits in creek.

Raised road, created across creek, blocked normal creek path and altered creek channel.



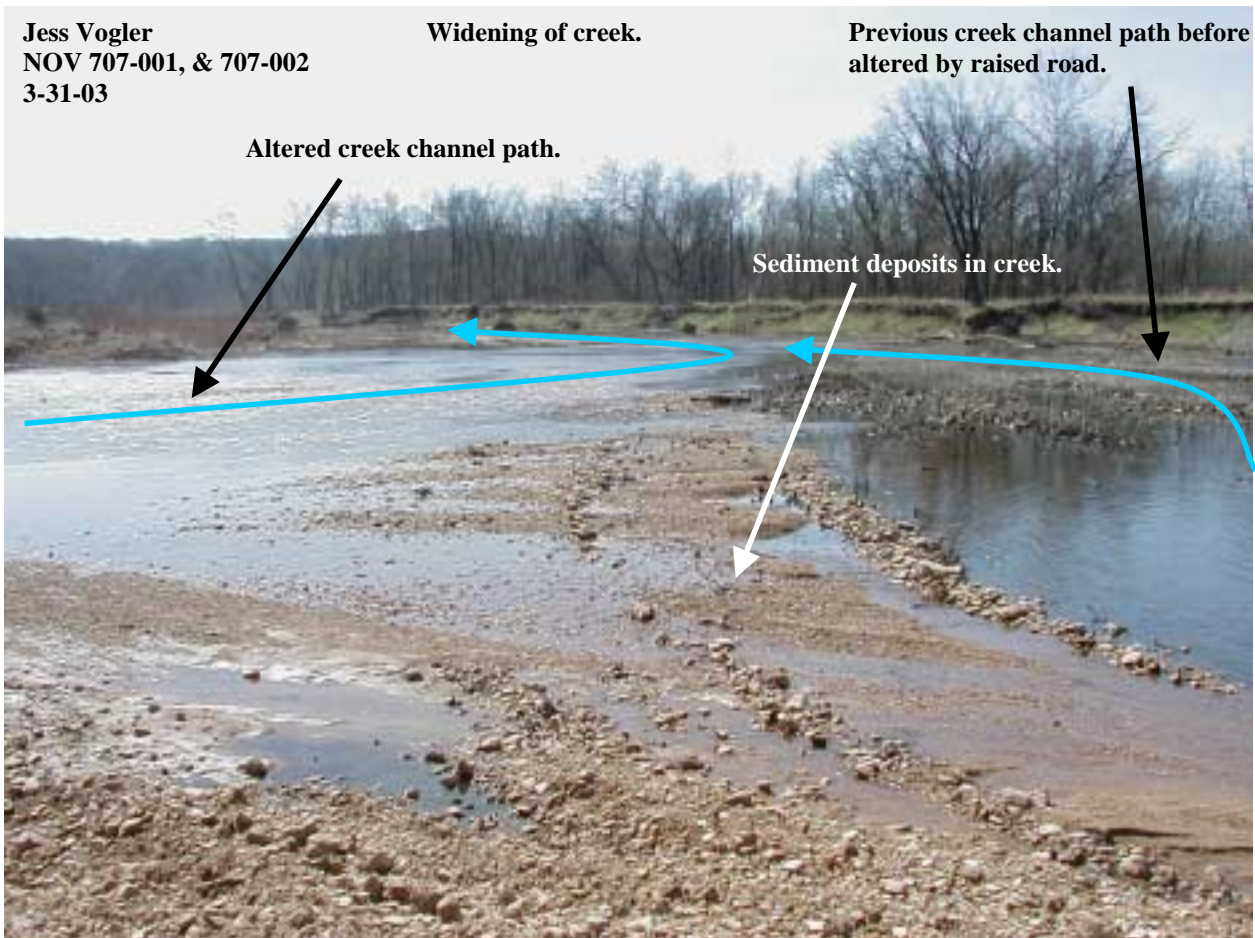
Jess Vogler
NOV 707-001, & 707-002
3-31-03

Widening of creek.

Previous creek channel path before altered by raised road.

Altered creek channel path.

Sediment deposits in creek.



Beaver Creek Aggregates Corp
NOV 339-002
02-21-02

Failure to reclaim an open pit site.

**Area needs the topsoil
replaced and be revegetated.**

Steep highwalls need to be graded.



Beaver Creek Aggregates Corp
NOV 339-002
02-21-02

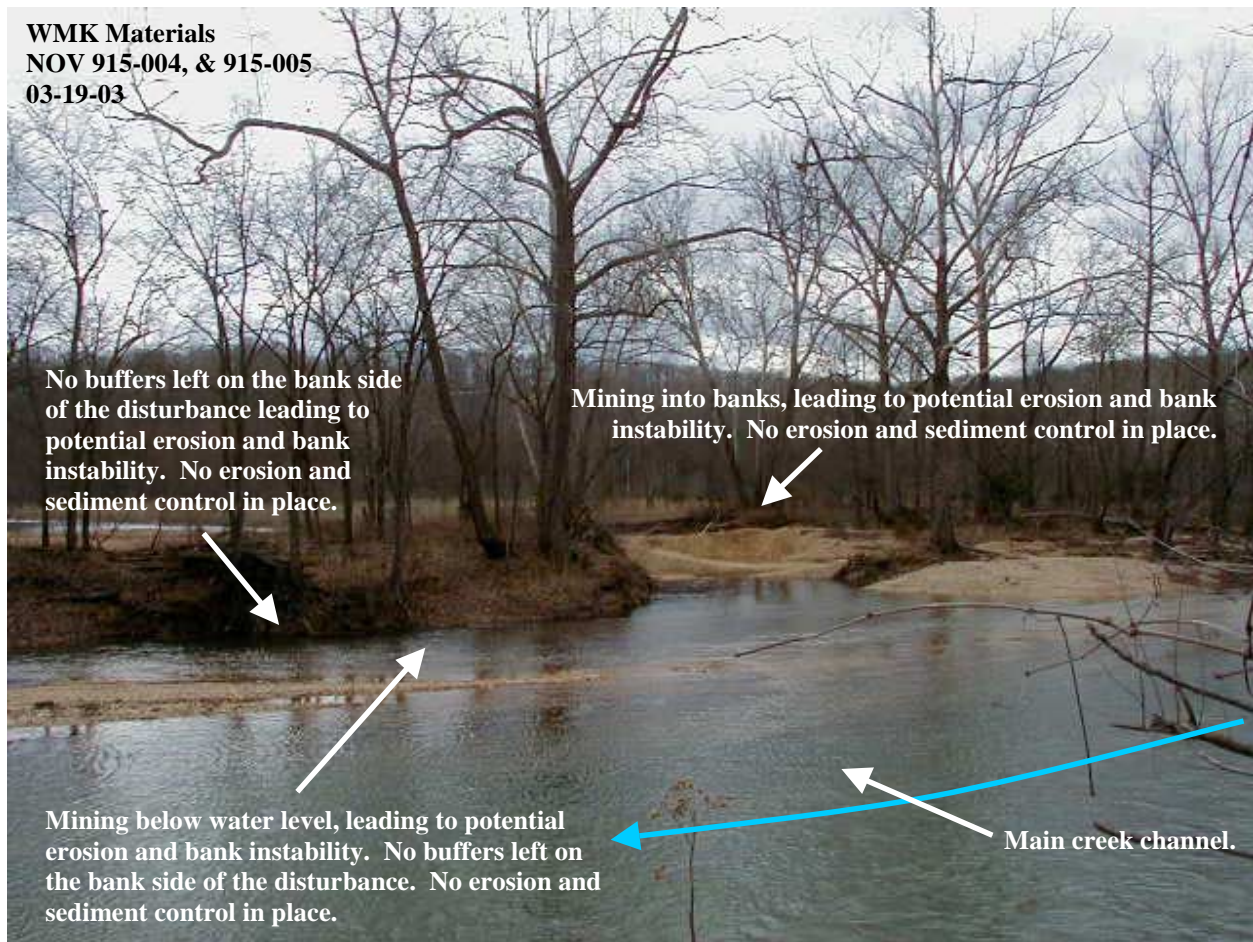
Failure to reclaim an open pit site.

**Area needs the topsoil
replaced and be revegetated.**

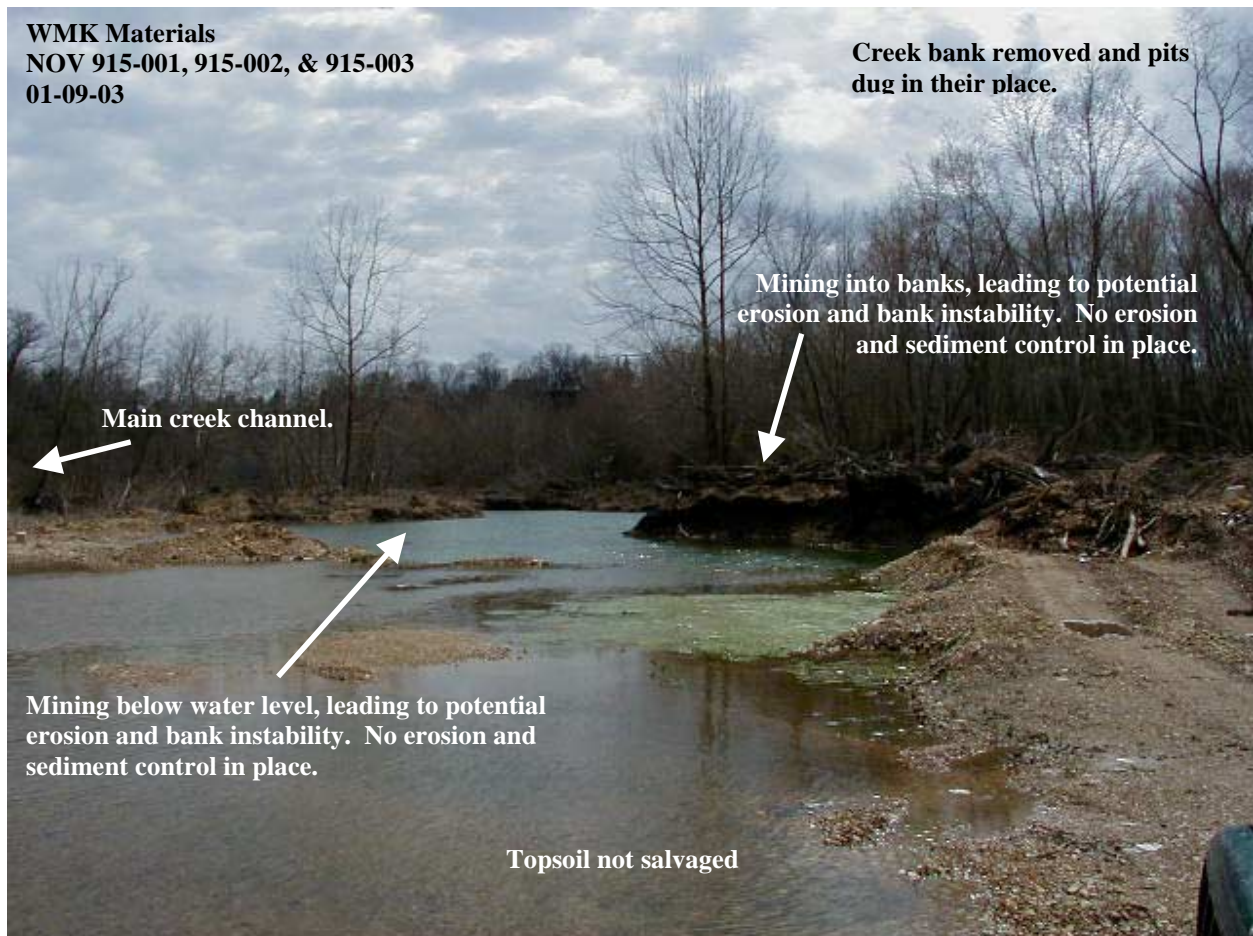
Steep highwalls need to be graded.



WMK Materials
NOV 915-004, & 915-005
03-19-03



WMK Materials
NOV 915-001, 915-002, & 915-003
01-09-03



WMK Materials
NOV 915-001, 915-002, & 915-003
01-09-03

No erosion and sediment control in place.

Open pits dug. Topsoil
not salvaged



WMK Materials
NOV 915-001, & 915-003
03-19-03

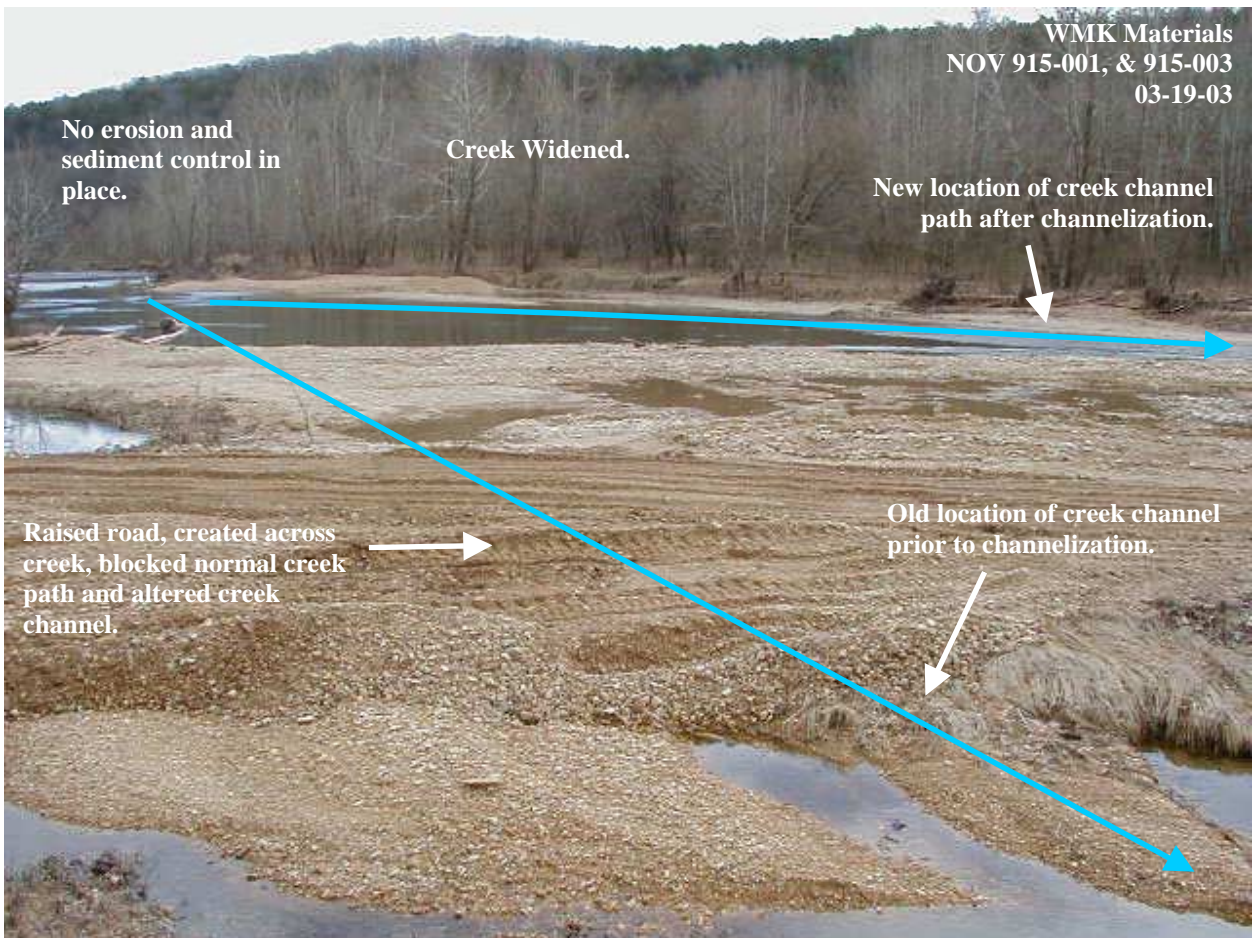
No erosion and
sediment control in
place.

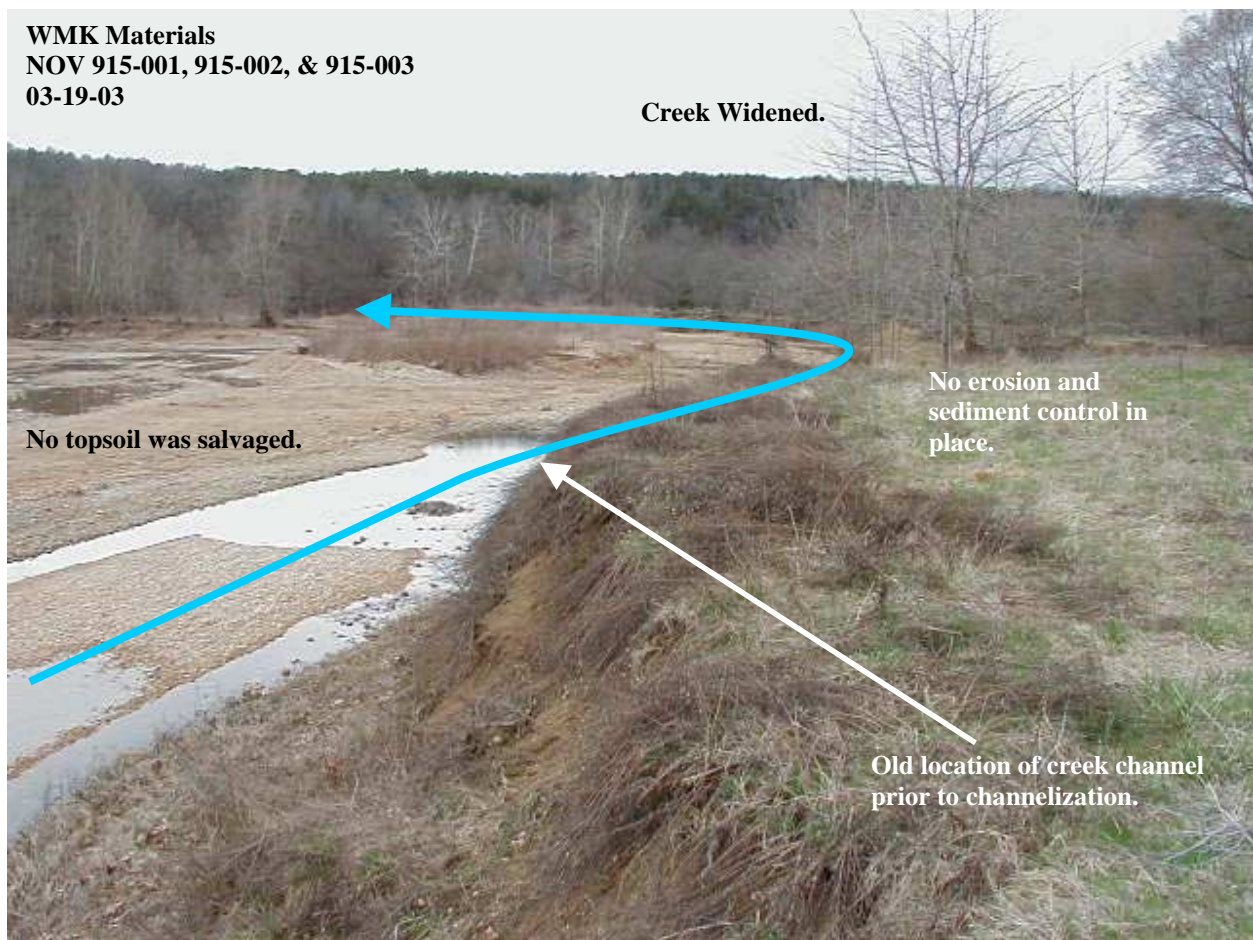
Creek Widened.

New location of creek channel
path after channelization.

Raised road, created across
creek, blocked normal creek
path and altered creek
channel.

Old location of creek channel
prior to channelization.

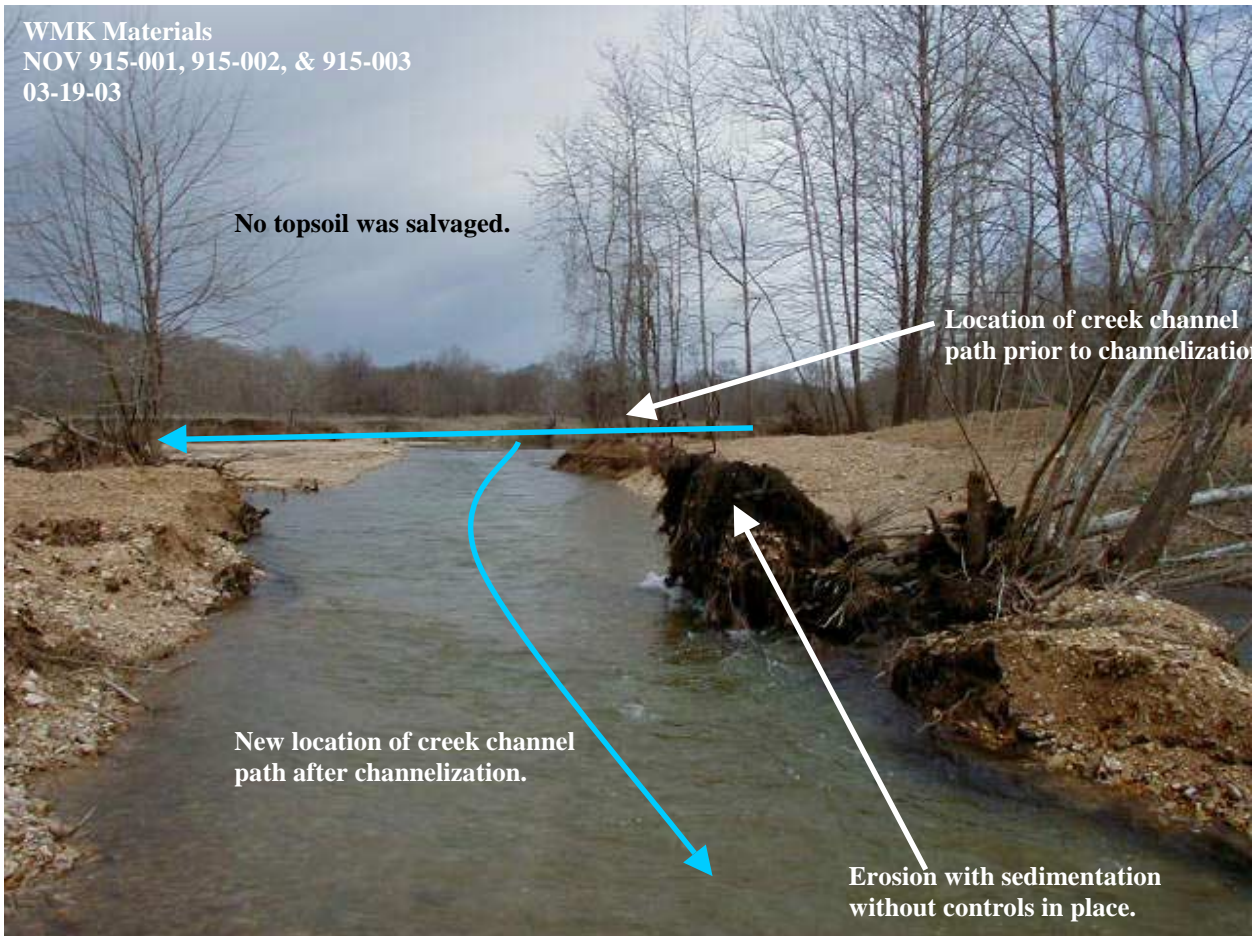




WMK Materials
NOV 915-001, 915-002, & 915-003
03-19-03

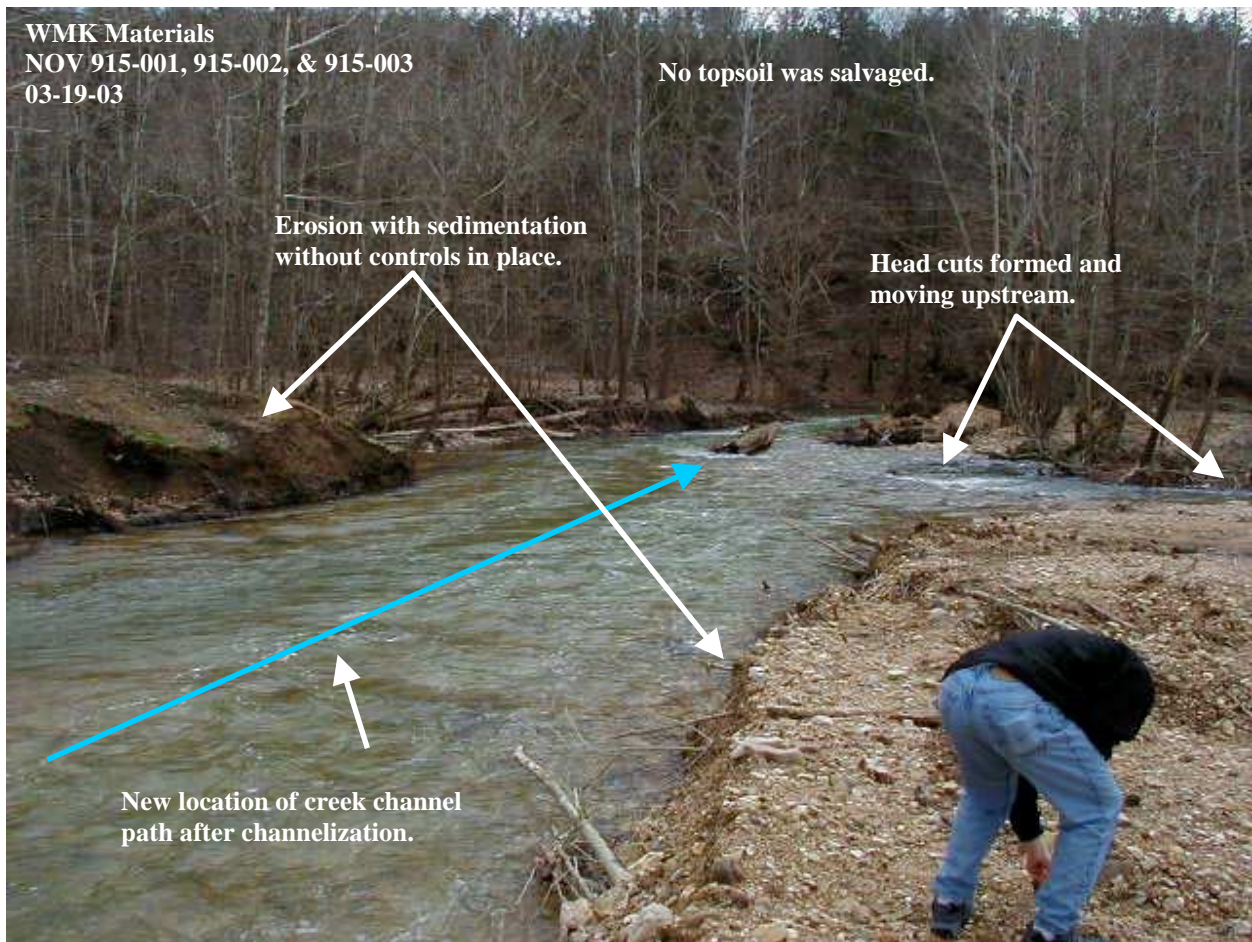


WMK Materials
NOV 915-001, 915-002, & 915-003
03-19-03



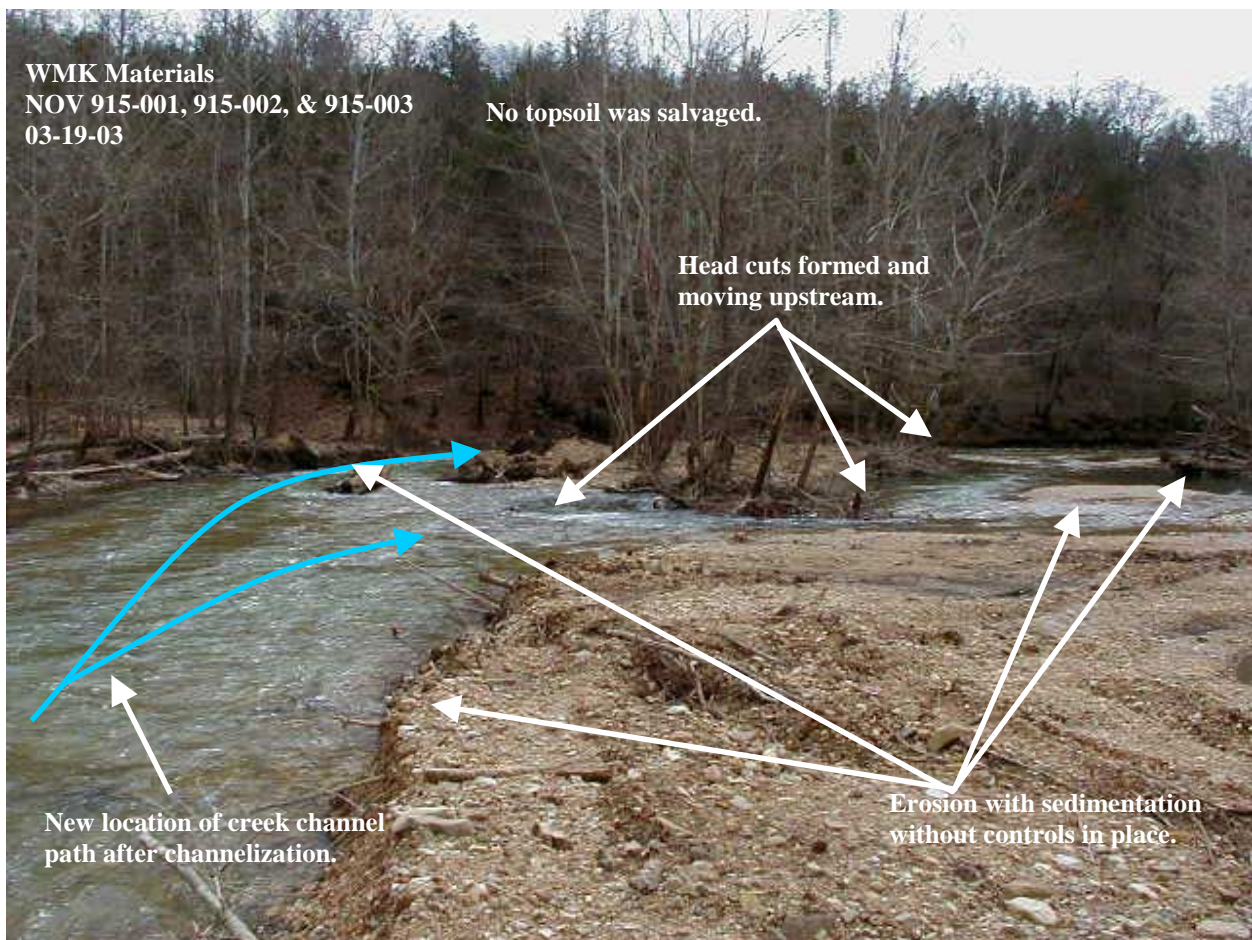
WMK Materials
NOV 915-001, 915-002, & 915-003
03-19-03

No topsoil was salvaged.



WMK Materials
NOV 915-001, 915-002, & 915-003
03-19-03

No topsoil was salvaged.



**WMK Materials
NOV 915-001, 915-002, & 915-003
01-09-03**



No topsoil was salvaged.

**Potential erosion and
sedimentation without
controls in place.**

**WMK Materials
NOV 915-001, 915-002, & 915-003
01-09-03**

**Mining into banks, leading to potential
erosion, sedimentation, and bank instability.
No erosion and sediment control in place.**

No topsoil was salvaged.



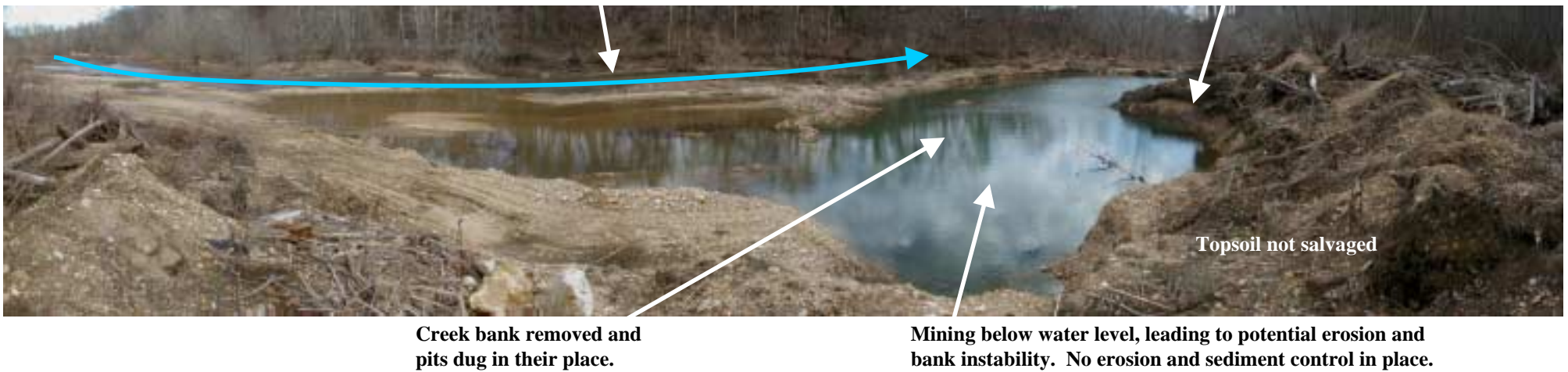


WMK Materials
NOV 915-001, 915-002, & 915-003
09-03-03

Potential erosion and
sedimentation without
controls in place.

No topsoil was salvaged.

WMK Materials
NOV 915-001, 915-002, & 915-003
01-09-03



WMK Materials
NOV 915-001, 915-002, & 915-003
01-09-03

